

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RACHEAL A. CAIN and
ANDREW M. SACKETT,

Defendants.

8:21-CR-303

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the Government's Motion for Preliminary Order of Forfeiture, [Filing 107](#), regarding \$11,902.00 and \$677.00 in United States currency. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. Defendants Racheal A. Cain and Andrew M. Sackett have agreed to plead guilty to Counts I and II and admit to the Forfeiture Allegation of said Information. [Filing 88](#); [Filing 100](#); [Filing 102](#).
2. Count I of the Information charged the defendants with possession with intent to distribute methamphetamine, in violation of [21 U.S.C. §§ 841\(a\)\(1\)](#) and (b)(1); Count II charged possession of firearms in furtherance of a drug trafficking crime, in violation of [18 U.S.C. § 924\(c\)\(1\)\(A\)](#).
3. The Forfeiture Allegation sought the forfeiture of \$11,902.00 and \$677.00 in United States currency on the basis that it was used to facilitate the offense, and/or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offense.

4. By virtue of said pleas of guilty, defendants have forfeited their interests in the subject currency. Accordingly, the United States should be entitled to possession of said currency pursuant to 21 U.S.C. § 853.
5. The Government's Motion for Preliminary Order of Forfeiture should be granted.

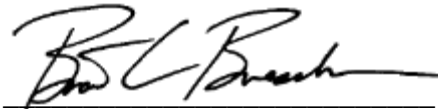
IT IS ORDERED:

1. The Government's Motion for Preliminary Order of Forfeiture, [Filing 107](#), is granted.
2. Based upon the Forfeiture Allegation of the Indictment and the pleas of guilty, the Government is hereby authorized to seize the \$11,902.00 and \$677.00 in United States currency.
3. Defendants' interests in the \$11,902.00 and \$677.00 in United States currency are hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$11,902.00 and \$677.00 in United States currency is to be held by the Government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the Government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov., notice of this Preliminary Order of Forfeiture, notice of publication evidencing the Government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than defendants, having or claiming a legal interest in any of the subject currency must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$11,902.00 and \$677.00 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$11,902.00 and \$677.00 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.
7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$11,902.00 and \$677.00 in United States currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 30th day of March, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge